

Indiana Election Commission  
Minutes  
March 10, 2017

**Members Present:** Bryce H. Bennett, Jr., Chairman of the Indiana Election Commission ("Commission"); S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Zachary E. Klutz, member.

**Members Absent:** None

**Staff Attending:** Angela M. Nussmeyer, Co-Director of the Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Matthew R. Kochevar, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division.

**Others Attending:** The Hon. Christa Coffey, Tippecanoe County Clerk; Mr. Kyle Conrad, Governmental Business Systems (GBS); The Hon. Wendy Hudson, Elkhart County Clerk; Mr. Aniketh Ramname, Project Manager, Voting System Technical Oversight Program (VSTOP).

**1. Call to Order:**

The Chair called the March 10, 2017 meeting of the Commission to order at 1:00 p.m. EDT in the offices of the Election Division at Conference Center Room 22, 402 West Washington Street, Indianapolis, Indiana.

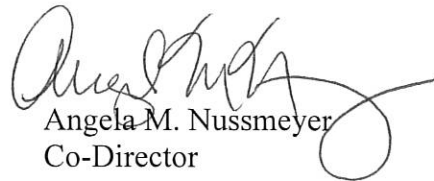
**2. Transaction of Commission Business:**

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Diane Zeyen of Connor Reporting. This document is incorporated by reference into these minutes. The Commission adjourned this meeting at 2:41 p.m.

Respectfully submitted,

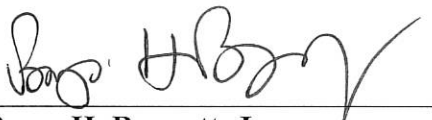


J. Bradley King  
Co-Director



Angela M. Nussmeyer  
Co-Director

**APPROVED:**



Bryce H. Bennett, Jr.  
Chairman

COPY

*In the Matter Of:*

Indiana Election Commission Meeting

TRANSCRIPT OF HEARING

March 10, 2017



**CONNOR REPORTING**

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Transcript of Hearing  
March 10, 2017

1 INDIANA ELECTION COMMISSION  
2 PUBLIC SESSION AGENDA  
3  
4  
5

6 Conducted on: March 10, 2017  
7  
8

9 Location: Indiana Government Center South  
10 402 West Washington Street  
11 Conference Center Room 22  
12 Indianapolis, IN 46204  
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18  
19  
20  
21  
22  
23

24 A STENOGRAPHIC RECORD BY:

25 Diane Zeyen  
Notary Public/RPR

1 APPEARANCES :

2

3 INDIANA ELECTION COMMISSION:

4 Mr. Bryce Bennett - Chairman  
5 Mr. Anthony Long - Vice Chairman  
6 Ms. Suzannah Wilson Overholt - Member  
7 Mr. Zachary Klutz - Member

8 INDIANA ELECTION DIVISION STAFF:

9 Ms. Angie Nussmeyer - Co-director  
10 Mr. Matthew R. Kochevar - Co-general counsel  
11 Mr. Dale Simmons - Co-general counsel

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1 CHAIRMAN BENNETT: All right. We will call  
2 the Indiana Election Commission meeting to  
3 order.

4 The following Members of the Commission are  
5 present: Myself, Bryce Bennett, chairman. We  
6 have Vice Chairman Anthony Long with us and  
7 Member Suzannah Wilson Overholt. On my right is  
8 Member Zachary Klutz.

9 And we have the Indiana Election Division  
10 staff, Co-Director Angela Nussmeyer. Brad King  
11 is absent due to his illness. And we have  
12 Co-General Counsels Matthew Kochevar and  
13 Dale Simmons.

14 The court reporter today is Diane Zeyen  
15 with Connor & Associates.

16 Before we begin, I want to remind everyone,  
17 on behalf of the court reporter, to identify  
18 yourself when beginning to speak. Spell your  
19 name when identifying yourself. Speak clearly  
20 and do not speak at the same time as others.

21 And I request at this time that  
22 Ms. Nussmeyer and Mr. Simmons confirm that the  
23 Commission meeting has been properly noticed as  
24 required under the Open Door Laws.

25 MR. SIMMONS: Mr. Chairman, Members of the

1 Commission, the March 10th, 2017 meeting of the  
2 Election Commission has been noticed in  
3 compliance with the Open Door Law.

4 CHAIRMAN BENNETT: Thank you. I recognize  
5 Ms. Nussmeyer and Mr. Simmons for a presentation  
6 of past Commission minutes.

7 MR. SIMMONS: Thank you, Mr. Chairman and  
8 Members of the Commission.

9 Co-Director Nussmeyer and myself have  
10 reviewed the minutes of the September 23, 2016  
11 meeting, both of these are in your binder, by  
12 the way, and the February 10th, 2017 minutes,  
13 and present them to you with our recommendation  
14 for approval.

15 CHAIRMAN BENNETT: Is there a motion to  
16 approve these two sets of minutes attached?

17 COMMISSION MEMBER KLUTZ: So moved.

18 CHAIRMAN BENNETT: We have a motion. Is  
19 there a second?

20 COMMISSION MEMBER OVERHOLT: Second.

21 CHAIRMAN BENNETT: We have a motion and a  
22 second.

23 Is there any discussion with regard to the  
24 minutes?

25 (No response.)

1 CHAIRMAN BENNETT: Hearing none, all in  
2 favor say "Aye."

3 THE COMMISSION: Aye.

4 CHAIRMAN BENNETT: All opposed say "Nay."  
5 (No response.)

6 CHAIRMAN BENNETT: The ayes have it. And  
7 the motion to approve the minutes is adopted.

8 We will consider now a ratification of  
9 campaign finance settlement agreements. And I  
10 would ask for a presentation by Ms. Nussmeyer  
11 and Mr. Simmons on these agreements.

12 MR. SIMMONS: Mr. Chairman, Members of the  
13 Commission, campaign staff, finance staff,  
14 Abbey Taylor and Michelle Thompson, have  
15 prepared the campaign finance settlement  
16 agreements list. That's in the binder under the  
17 tab for that.

18 It sets forth in these who have entered  
19 into agreements to settle potential campaign  
20 finance enforcement of civil penalties. And it  
21 is submitted with our recommendation for your  
22 ratification.

23 CHAIRMAN BENNETT: Very well. Thank you.

24 Is there a motion to ratify the settlement  
25 agreements as presented?

1 VICE CHAIRMAN LONG: So moved.

2 CHAIRMAN BENNETT: We have a motion. Is  
3 there a second?

4 COMMISSION MEMBER KLUTZ: Second.

5 CHAIRMAN BENNETT: We have a motion and a  
6 second.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN BENNETT: Hearing none, all in  
10 favor say "Aye."

11 THE COMMISSION: Aye.

12 CHAIRMAN BENNETT: All opposed say "Nay."

13 (No response.)

14 CHAIRMAN BENNETT: The ayes have it. The  
15 motion is approved.

16 Everyone who is present today who plans to  
17 testify before the Indiana Election Commission  
18 regarding any matter today please stand for  
19 administration of the oath.

20 MR. SIMMONS: Please stand, raise your  
21 right hand. Say "I do" after the administration  
22 of the oath.

23 Do you solemnly swear or affirm, under the  
24 penalties of perjury, that the testimony you're  
25 about to give to the Indiana Election Commission

1 is the truth, the whole truth and nothing but  
2 the truth? Say "I do."

3 (Consent by all.)

4 CHAIRMAN BENNETT: Thank you.

5 We will now begin our consideration of the  
6 voting system matters on our agenda.

7 At this time I recognize the project  
8 manager for VSTOP, who I will ask to identify  
9 himself on the record.

10 ANIKETH RAMNAME: My name is  
11 Aniketh Ramname, spelled as A-N-I-K-E-T-H,  
12 R-A-M-N-A-M-E.

13 I'm the project manager for the  
14 Voting System Technical Oversight Program. I'm  
15 representing the VSTOP team today at this  
16 Commission meeting.

17 CHAIRMAN BENNETT: We ask for your  
18 presentation with respect to the testing  
19 performed on Hart InterCivic's Optical Scan  
20 System and VSTOP's recommendation with respect  
21 to whether the Commission should approve the  
22 modification of Hart InterCivic's Optical Scan  
23 Voting Systems as an engineering change order.

24 ANIKETH RAMNAME: That's right.

25 The report describes the current status of

1 Hart InterCivic's compliance with the  
2 requirements of Indiana Election Commission  
3 Resolution 2016-3.

4 On February 10th, 2017, the Indiana  
5 Election Commission approved the Hart InterCivic  
6 Voting System's Product Enhancement Plan and  
7 test plan, which are attached.

8 On February 14th, 2017, SLI Compliance  
9 reported to VSTOP that tests performed on the  
10 Hart InterCivic HVS 6.2.2 system were successful  
11 and the system complied with the requirements of  
12 IC 3-12-1-7(f) as defined in the State of  
13 Indiana's Public Law 21-2016.

14 VSTOP supports this finding and recommends  
15 approval of Hart's modification.

16 CHAIRMAN BENNETT: Is there a motion to  
17 approve the modifications to Hart InterCivic's  
18 Optical Scan Voting System as described?

19 COMMISSION MEMBER KLUTZ: So moved.

20 CHAIRMAN BENNETT: We have a motion. Is  
21 there a second?

22 COMMISSION MEMBER OVERHOLT: Second.

23 CHAIRMAN BENNETT: We have a motion and a  
24 second.

25 Is there any discussion?

1 (No response.)

2 CHAIRMAN BENNETT: Hearing none, all in  
3 favor say "Aye."

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: All opposed say "Nay."

6 (No response.)

7 CHAIRMAN BENNETT: The ayes have it. The  
8 motion is approved.

9 It is my understanding now that  
10 Hart InterCivic can now implement these changes  
11 in counties.

12 Can a representative of Hart InterCivic or  
13 VSTOP address the timetable for completing this  
14 implementation?

15 ANIKETH RAMNAME: Mr. Chairman, as per the  
16 earlier email dated February 9th to Mr. Simmons  
17 and Ms. Nussmeyer, Eddie Perez from  
18 Hart InterCivic informed that if IEC is able to  
19 issue final approval of the test report by  
20 Friday, February 17th, then Hart is confident  
21 that the installation of software at the  
22 customer site can be fully completed no later  
23 than March 3rd, 2017.

24 This is the earlier timeline. And that's  
25 approximately two weeks after the Commission's



1 approval of the modification.

2 And an email received from Mr. Perez on  
3 February 16th stated that Hart InterCivic and  
4 their professional staff team is ready to  
5 proceed at the earliest opportunity if the  
6 Commission approves the modification today.

7 So they estimate that they will take about  
8 two weeks for the implementation to be  
9 completed.

10 CHAIRMAN BENNETT: Two weeks from today  
11 since we have approved it; correct?

12 ANIKETH RAMNAME: Yes.

13 CHAIRMAN BENNETT: Any discussion on that  
14 report?

15 VICE CHAIRMAN LONG: Is there anybody here  
16 from Hart to confirm that?

17 CHAIRMAN BENNETT: Are there any Hart  
18 representatives with us here today?

19 VICE CHAIRMAN LONG: I guess they got two  
20 weeks.

21 CHAIRMAN BENNETT: All right.

22 MR. SIMMONS: Mr. Chairman, I think last  
23 meeting -- what was it? -- that the Commission  
24 extended the date to March 15th under the  
25 resolution. I don't know if you want to

1 consider extending the date again two weeks from  
2 now or whether you think that's appropriate or  
3 necessary.

4 CHAIRMAN BENNETT: For the implementation?

5 MR. SIMMONS: For the implementation.

6 CHAIRMAN BENNETT: What was the deadline,  
7 existing deadline for implementation?

8 VICE CHAIRMAN LONG: March. The resolution  
9 to go to March 1st.

10 CHAIRMAN BENNETT: March 1st.

11 VICE CHAIRMAN LONG: And then you extended  
12 it, as I understand it, to the 15th?

13 MS. NUSSMEYER: Uh-huh.

14 CHAIRMAN BENNETT: To the 15th. So they  
15 need two weeks, which is, what, March 24th? Is  
16 that what they are suggesting?

17 VICE CHAIRMAN LONG: Point of order, should  
18 that be in the motion as an independent motion  
19 extending the deadline?

20 MR. SIMMONS: That's what we did, I think,  
21 last time.

22 VICE CHAIRMAN LONG: Okay. I would move to  
23 extend the deadline to March 24th.

24 CHAIRMAN BENNETT: Is there a second for  
25 that motion?

1 COMMISSION MEMBER KLUTZ: Second.

2 CHAIRMAN BENNETT: We have a motion and a  
3 second. Any discussion?

4 VICE CHAIRMAN LONG: Could we add extend  
5 the deadline, as set in Resolution 2016-1, and  
6 previously extend it?

7 If those words could be added into my  
8 motion, I would appreciate it.

9 CHAIRMAN BENNETT: Do we need a second on  
10 the amended motion or is that the same motion?

11 VICE CHAIRMAN LONG: It's the same motion  
12 with some added words. I guess it is amended.

13 CHAIRMAN BENNETT: Okay. I will second  
14 that amended motion.

15 Is there any discussion?

16 COMMISSION MEMBER KLUTZ: What will be the  
17 reporting? Do we have a reporting mechanism  
18 that they can report back to us and if --

19 MR. SIMMONS: We can certainly ask that and  
20 include that in the agenda and in a packet at  
21 the next meeting.

22 COMMISSION MEMBER KLUTZ: Okay.

23 VICE CHAIRMAN LONG: I think that would be  
24 communicated to them today, that it has been  
25 approved and the deadline has been extended.

1 CHAIRMAN BENNETT: And that we want a  
2 report by --

3 VICE CHAIRMAN LONG: Yes.

4 CHAIRMAN BENNETT: -- a certain date? What  
5 would that date be?

6 VICE CHAIRMAN LONG: The 24th.

7 MR. SIMMONS: That's right. There you go.

8 VICE CHAIRMAN LONG: Yeah. The 25th, and  
9 we're done.

10 MR. SIMMONS: I think Co-Director Nussmeyer  
11 and I could send that out today.

12 MS. NUSSMEYER: Of course.

13 CHAIRMAN BENNETT: You can work that out.

14 Okay. All right. Let's see. We have got  
15 a motion. We have got a second. We had  
16 discussion.

17 All in favor of the motion as presented and  
18 amended say "Aye."

19 THE COMMISSION: Aye.

20 CHAIRMAN BENNETT: All opposed say "Nay."

21 (No response.)

22 CHAIRMAN BENNETT: Motion carried. Thank  
23 you.

24 I now recognize Mr. Ramname --

25 ANIKETH RAMNAME: Ramname.

1 CHAIRMAN BENNETT: -- Ramname for a  
2 progress report on Dominion's voting systems  
3 compliance with Resolution 2016-1.

4 ANIKETH RAMNAME: Mr. Chairman, following  
5 the Indiana Election Commission meeting on  
6 February 10th, 2017, Mr. Piper requested ballot  
7 layout instructions from VSTOP. And on  
8 February 30, 2017, VSTOP forwarded the ballot  
9 layout instructions to Mr. Ian Piper of Dominion  
10 and pointed out that there are 11 sections in  
11 IC Code. And Mr. Piper acknowledged the email  
12 and said that he would get back to us if he had  
13 any further questions.

14 On March 1st, 2017, VSTOP received a  
15 timeline from Mr. Piper on behalf of Dominion,  
16 stating that they are undertaking a product  
17 enhancement plan, that they plan to make their  
18 Dominion system compliant with SEA-61.

19 VSTOP forwarded that communication to  
20 IED Co-Directors Mr. Brad King and  
21 Ms. Nussmeyer. And the co-directors came back  
22 and asked on the feasibility of the plan.

23 The timeline -- VSTOP believes that the  
24 timeline proposed by Dominion seems to be  
25 reasonable and achievable under the best of the

1 circumstances.

2           However, there is a potential of release  
3 due to programmer's availability and the time it  
4 takes for the programmer to get familiarized  
5 with the software, to get an estimate for the  
6 time to test in a lab.

7           VSTOP had a phone consultation with  
8 Pro V&V, the VSTL lab, where this system was  
9 tested for manual procedures. Pro V&V informed  
10 us that, depending on the extent of the changes  
11 made to the software, Pro V&V estimates two to  
12 six weeks for testing.

13           So VSTOP believes that this timeline  
14 proposed by Dominion is reasonable.

15           CHAIRMAN BENNETT: Two to six weeks you  
16 said?

17           ANIKETH RAMNAME: Yeah. That's the  
18 timeline proposed by Pro V&V, the lab that tests  
19 manual procedures for Dominion. They assumed  
20 that it may take up to six weeks, anywhere  
21 between two to six weeks.

22           CHAIRMAN BENNETT: And that's considering  
23 the inexperience of the programmer?

24           ANIKETH RAMNAME: That's right.

25           CHAIRMAN BENNETT: And that's a month

1 longer than the timeline proposed.

2 ANIKETH RAMNAME: That's right.

3 I mean, VSTOP did due diligence and  
4 contacted the lab, just to get an estimate, if  
5 their timeline seemed reasonable.

6 CHAIRMAN BENNETT: Does the six-week time  
7 period contemplate delays and issues developing  
8 during the project or not?

9 ANIKETH RAMNAME: That's the best estimate  
10 for the lab to test. That's the six weeks' time  
11 frame only for the lab testing.

12 COMMISSION MEMBER KLUTZ: Lab testing --  
13 Mr. Chairman, if I may.

14 CHAIRMAN BENNETT: Yes.

15 COMMISSION MEMBER KLUTZ: The lab testing  
16 occurs at the end of this process that they have  
17 laid out?

18 ANIKETH RAMNAME: Yeah. Mr. Commissioner,  
19 the lab testing occurs after Dominion comes up  
20 with the product enhancement plan and is ready  
21 to test the final product at the lab.

22 COMMISSION MEMBER KLUTZ: So a minimum of  
23 six weeks, a minimum of six weeks at the end of  
24 August 4th?

25 VICE CHAIRMAN LONG: I'm reading that as



1 the maximum.

2 ANIKETH RAMNAME: It is -- I mean, it is  
3 somewhere in June.

4 COMMISSION MEMBER KLUTZ: It is built into  
5 this time frame?

6 ANIKETH RAMNAME: Come again. Sorry.

7 COMMISSION MEMBER KLUTZ: That six weeks is  
8 built into this time frame?

9 ANIKETH RAMNAME: No, that's not built in.

10 CHAIRMAN BENNETT: My understanding is that  
11 the six weeks would -- the VSTL testing and  
12 report, which is scheduled for two weeks on the  
13 March 1st email, VSTOP believes should be up to  
14 as much as six weeks?

15 ANIKETH RAMNAME: Yeah. VSTL, VSTL lab  
16 testing, VSTOP believes that it may take up to  
17 six weeks. But Dominion estimates that it may  
18 take two weeks. But we wanted the lab to attest  
19 how long it will take. And the lab gave an  
20 estimate somewhere between two to six weeks.

21 VICE CHAIRMAN LONG: So that makes it a  
22 month then, past August 4th, up to a month.

23 COMMISSION MEMBER KLUTZ: So that would be  
24 more like the end of August, early September?

25 ANIKETH RAMNAME: That's right.

1 CHAIRMAN BENNETT: What about the  
2 development portion, that 11 weeks, does VSTOP  
3 have any opinion as to whether that is  
4 reasonable under the circumstances?

5 ANIKETH RAMNAME: I mean, VSTOP doesn't  
6 really have any opinion on that. And it's for  
7 Dominion to proceed with the product enhancement  
8 plan as soon as possible. But VSTOP has no  
9 comments to make on that.

10 CHAIRMAN BENNETT: Is it fair to say that  
11 VSTOP's only real ability to credibly evaluate  
12 this timeline rests in the area of the testing  
13 report and the VSTOP IEC review?

14 ANIKETH RAMNAME: That is right,  
15 Mr. Chairman.

16 CHAIRMAN BENNETT: Okay. So as far as  
17 system integration testing and development and  
18 implementation, we would have to simply rely on  
19 the representations made by Dominion with regard  
20 to those timetables?

21 ANIKETH RAMNAME: That is right,  
22 Mr. Chairman.

23 CHAIRMAN BENNETT: Is there a  
24 representative of Dominion here?

25 KYLE CONRAD: Mr. Chairman, I'm Kyle Conrad

1 with Governmental Business Systems. We are the  
2 authorized dealer rep for Indiana.

3 CHAIRMAN BENNETT: Did you take the oath?

4 KYLE CONRAD: Yes, I did.

5 VICE CHAIRMAN LONG: Oh, I'm sorry, that's  
6 my fault.

7 KYLE CONRAD: That's all right.

8 Ian Piper had every intention of being here  
9 today and actually was to fly in last night and  
10 I was to pick him up today. And late yesterday  
11 morning his mother-in-law passed away, so he had  
12 to go back to Virginia.

13 I will do my best to answer whatever  
14 questions I can.

15 GBS is going to be involved heavily in this  
16 process. We are actually the ones that have  
17 found the company that's going to be doing the  
18 software enhancements. They have the source  
19 code. They have the software. They are  
20 currently in process of working on that, have  
21 been for about a week now.

22 There is, I don't know if it is daily, but  
23 several times a week, communication between  
24 Sedona, GBS, and Dominion on this project. We  
25 are prepared, GBS is prepared to do whatever we

1 have to do. And that's going to fall pretty  
2 much on the implementation side once everything  
3 is done.

4 I think that timeline looks like a couple  
5 weeks. And we do not believe that that should  
6 be an issue.

7 The first thought was there is about 500  
8 machines in the state of Indiana. It is  
9 probably closer to 230 to 250. Because a lot of  
10 our counties have gone to vote centers and they  
11 are using the direct record equipment. So they  
12 only have one or two optical scan machines in  
13 some of these counties. And we can do several  
14 in one day, so.

15 CHAIRMAN BENNETT: Well, I will have to  
16 tell you my concerns are three-fold.

17 Number one, Dominion's efforts to date have  
18 not been particularly impressive from the  
19 perspective of the Commission.

20 Number two, a concern about having one  
21 programmer without experience and stating it is  
22 going to take 11 weeks to figure out how to  
23 develop this. And I guess --

24 KYLE CONRAD: If I might respond to that.

25 CHAIRMAN BENNETT: Yes.

1 KYLE CONRAD: I don't know that it is so  
2 much the 11 weeks.

3 I think part of it is the learning curve,  
4 learning the software. But anytime you make a  
5 software change, you also have to make sure it  
6 doesn't affect other features of the equipment  
7 further down the line. And that's going to have  
8 to be some pretty extensive testing as well,  
9 just to make sure we don't go in and make a  
10 quick fix that has an adverse effect somewhere  
11 else. So that's built into that time frame as  
12 well.

13 CHAIRMAN BENNETT: And then my third  
14 concern is that VSTOP's only area of evaluation  
15 indicates that the two-week time frame proposed  
16 by Dominion is likely to be three times that  
17 long. So put all those three things together, I  
18 am just concerned that even a September 4th  
19 deadline might be optimistic. Can you speak to  
20 that?

21 KYLE CONRAD: Well, to your first point, I  
22 share those very same sentiments with our  
23 frustration with Dominion's response to this.  
24 But, as the dealer vendor, we are pretty much  
25 limited in what role we have until we finally

1 got them on board, in which they are now on  
2 board. But they came late to the game, but at  
3 least they are playing ball now.

4 I cannot speak for Ian. I would surely  
5 imagine that there was a conversation with the  
6 lab. And that's where they came up with that  
7 two -- and maybe they were told two to six weeks  
8 and they believe that it can be more on the two  
9 side. I can't speak to that.

10 CHAIRMAN BENNETT: Yeah. Do you have any  
11 idea why none of this has started yet? It  
12 starts on March 13th.

13 KYLE CONRAD: Well, actually, they are -- I  
14 mean, it has started.

15 CHAIRMAN BENNETT: You said they are one  
16 week into the development phase?

17 KYLE CONRAD: I believe so, yes.

18 CHAIRMAN BENNETT: Does anybody have any --

19 VICE CHAIRMAN LONG: Could I?

20 CHAIRMAN BENNETT: Yes.

21 VICE CHAIRMAN LONG: And I apologize.  
22 Obviously, I haven't been here in awhile, and I  
23 need a little bit of -- is it these changes are  
24 needed to bring this system up to be useable?

25 CHAIRMAN BENNETT: In compliance with

1 Senate Enrolled Act 61.

2 VICE CHAIRMAN LONG: And then we have a  
3 report here with this, of the Division, that  
4 addresses, I'm just going to go over it here,  
5 that if these aren't done, then we would  
6 probably be in a decertification for this  
7 system.

8 Well, I think an incentive for them to get  
9 this thing done would be that we start the  
10 procedure or decertification to do two things at  
11 once, that they are either going to get it fixed  
12 or they are going to be out of business. And  
13 they all come and set a meeting sometime, and  
14 hopefully the latter part of September, because  
15 I would like to be here for it, to either  
16 decertify them or approve their certification.  
17 We can stop them. I don't know how big a  
18 process for decertification. But it appears we  
19 would direct VSTOP to investigate development  
20 decertification and make the report and that  
21 would start the process. So that's what I see.

22 CHAIRMAN BENNETT: Yeah.

23 Commissioner Klutz at our last meeting  
24 requested that our counsel look into the  
25 decertification process. And I think that you



1 have done that and prepared something of a  
2 report for us.

3 MR. SIMMONS: Sure. We can summarize that,  
4 if you like, Mr. Chairman, we can summarize that  
5 for you.

6 CHAIRMAN BENNETT: I would appreciate that.  
7 Do you want to ask first about the --

8 COMMISSION MEMBER KLUTZ: Yeah. Can I ask,  
9 are there any clerks for counties here  
10 represented that use this system and have you  
11 had a chance to review this timeline and would  
12 it work for your county?

13 CHRISTA COFFEY: Mr. Simmons just shared  
14 with me before the meeting --

15 THE REPORTER: Your name, please.

16 CHRISTA COFFEY: Tippecanoe County Clerk,  
17 C-H-R-I-S-T-A, C-O-F-F-E-Y. And I am here today  
18 to express my concerns.

19 I do have a West Lafayette School  
20 referendum in May that will be held on May the  
21 2nd.

22 For various reasons, my Election Board has  
23 determined that we will use primarily paper  
24 ballots for this election for a few, like I  
25 said, a few various reasons.

1           And so I am hoping that this, a yes-or-no  
2   ballot has no impact on what was passed in  
3   SEA-61, that I can tell you the Clerks  
4   Association had a mighty fight against but it  
5   still passed against our wishes. So I am hoping  
6   that nothing that is done by this Commission  
7   will affect my ability to use the optical scan  
8   equipment for my May 2nd referendum, because it  
9   has nothing to do whatsoever with an at-large  
10   race, with anything impacted by Senate Enrolled  
11   Act 61.

12           CHAIRMAN BENNETT: Okay.

13           VICE CHAIRMAN LONG: I would think my  
14   observations then would not impact, it would  
15   just start the investigative failures of it.  
16   But I appreciate the summarization.

17           CHAIRMAN BENNETT: Yes. Thank you for  
18   that.

19           Anyone else want to speak?

20           WENDY HUDSON: (Indicating.)

21           CHAIRMAN BENNETT: Yes.

22           WENDY HUDSON: I didn't take the oath, so.

23           CHAIRMAN BENNETT: Will you administer the  
24   oath now, Mr. Simmons.

25           WENDY HUDSON: I wasn't going to speak.

1 MR. SIMMONS: Do you solemnly swear or  
2 affirm that the testimony that you're about to  
3 give -- do you solemnly swear or affirm, under  
4 the penalties of perjury, that the testimony  
5 you're about to give to the Indiana Election  
6 Commission is the truth, the whole truth and  
7 nothing but the truth? Say "I do."

8 (Consent by Wendy Hudson.)

9 MR. SIMMONS: Thank you.

10 WENDY HUDSON: My name is Wendy Hudson.

11 W-E-N-D-Y, H-U-D-S-O-N. And I am the  
12 Elkhart County Clerk.

13 As the Elkhart County Clerk we have a  
14 possible special election this fall. And I want  
15 to reiterate what Christa said. Public Enrolled  
16 Act 61 does not affect a yes-or-no answer on the  
17 paper ballot.

18 So I would like to also state that it would  
19 be beneficial to the clerks that have special  
20 elections this year for you to understand that  
21 they will be yes-or-no elections. So they won't  
22 be affected by that at-large and straight-ticket  
23 situation.

24 CHAIRMAN BENNETT: So you're not concerned  
25 with the timeline that's been proposed by

1 Dominion?

2 WENDY HUDSON: I am concerned that they  
3 didn't get in compliance and that they didn't  
4 stay in contact with VSTOP during the different  
5 timelines of the process, but they are trying to  
6 rectify it now.

7 And, as Kyle stated, they're the vendor.  
8 The company rep isn't here. And the company rep  
9 is the one that's at fault, and the vendor is  
10 supplying us the equipment. And we need the  
11 equipment to run our elections.

12 CHAIRMAN BENNETT: Thank you.

13 Any further comments?

14 KYLE CONRAD: I would just add, in our  
15 situation with Elkhart, we all brought up the  
16 recertification in October. So I would presume  
17 or hope, that whatever is done prior to the  
18 October expiration of certification could be  
19 rectified in October, the recertification, so  
20 that Elkhart County and those counties that have  
21 a fall referendum do not have any adverse  
22 effects.

23 COMMISSION MEMBER OVERHOLT: And I was  
24 going to ask, because of the October 1 timeline  
25 for everyone this year, what the possibility of

1 fall referendum of any kind or some sort of fall  
2 elections, I mean, even if it is not -- you  
3 know, some company ends up not wanting to be  
4 recertified or whatever, I mean, is there some  
5 sort of grace period then that the -- if the  
6 company is not recertified, that it is not, you  
7 know, snap of the fingers decert, because then  
8 you have got counties without equipment they can  
9 use. And we all know that there is no way they  
10 could replace equipment within a matter of  
11 weeks.

12 MR. SIMMONS: Mr. Chairman, Members of the  
13 Commission, it is absolutely right, all  
14 certifications expire on October 1 of this year.  
15 It was set up that way several years ago.

16 Now what that means is that a voting system  
17 vendor can't continue to sell their systems  
18 after October 1. But there is a grandfathering  
19 provision in that law, that if they were  
20 purchased before October 1, the voting systems,  
21 and it continues to comply with Indiana law  
22 after October 1, the counties continue to use  
23 it. But that's for this system, if it doesn't  
24 come in compliance with law, it won't be  
25 grandfathered after October 1.

1 COMMISSION MEMBER OVERHOLT: I see.

2 MR. SIMMONS: It will simply be a system  
3 that they can't use if they don't get it up to  
4 speed.

5 Is that your understanding, Angie?

6 MS. NUSSMEYER: It is.

7 MR. SIMMONS: Okay.

8 VICE CHAIRMAN LONG: If I can ask a  
9 question to you, Dale, then Angie, and Matt, if  
10 necessary, that means automatically we wouldn't  
11 have to decertify them. Come October 1, if they  
12 are not in compliance, these clerks are out of  
13 business?

14 MR. SIMMONS: Yes.

15 VICE CHAIRMAN LONG: Period?

16 MR. SIMMONS: Right.

17 COMMISSION MEMBER KLUTZ: Without any  
18 action on our part.

19 MR. SIMMONS: Correct.

20 VICE CHAIRMAN LONG: Without doing  
21 anything. And that would be -- a clerk that is  
22 decertified, I mean, it is they can't use it for  
23 anything.

24 MR. SIMMONS: Can't use it for anything in  
25 Indiana.

1 VICE CHAIRMAN LONG: I mean, yes-no votes,  
2 if they have a November yes-no referendum and  
3 it's not fixed by October 1st and we get  
4 extended, they can't use it?

5 MR. SIMMONS: That's correct. That's my  
6 understanding. And, Angie --

7 MS. NUSSMEYER: Same, I agree with  
8 Mr. Simmons.

9 MR. KOCHVAR: Yes.

10 VICE CHAIRMAN LONG: Okay. I think that  
11 answers it. Need to decertify it, that's pretty  
12 clear.

13 CHAIRMAN BENNETT: So you're saying there  
14 is no need to decertify?

15 VICE CHAIRMAN LONG: I don't think we have  
16 to start the process, because it is just  
17 automatic.

18 If they don't -- we would ask VSTOP to  
19 certify. I guess -- and I would love to hear  
20 your summarization, because I skimmed this thing  
21 pretty quickly. But it would seem that maybe at  
22 some point today we need to ask VSTOP to give us  
23 a certification on October 1 if this system  
24 meets the qualifications. And then in our  
25 October meeting, then we can deal with that, or

1 maybe late September, whether or not it is going  
2 to meet. And we can build a conditional motion  
3 if we met late September, I think.

4 Dale, do you agree that if we met in late  
5 September and said unless VSTOP certified it by  
6 October 1st, they would not be extended?

7 MR. SIMMONS: Mr. Chairman, Members of the  
8 Commission, I think that's absolutely correct.

9 At some point it probably would be helpful  
10 if VSTOP gave us that answer for October, one,  
11 so we knew and the clerks would know whether  
12 their system was able to be used after  
13 October 1.

14 I think we still need VSTOP to give us that  
15 information to the Commission so they can meet  
16 later on in the year. But they also could begin  
17 decertification proceedings earlier if the  
18 Commission wanted to do that.

19 Those are the two options, but the timeline  
20 is already there. It is going to expire unless  
21 it is --

22 CHAIRMAN BENNETT: Well, if the  
23 decertification occurred 30 days from now, would  
24 there be enough time left for clerks to make  
25 other arrangements so they could conduct an



1 election?

2 MS. NUSSMEYER: Huh-uh.

3 MR. SIMMONS: Not before a primary. If it  
4 was decertified after the primary, then it would  
5 only be effective for the fall elections. And  
6 October 1 is going to come before the fall  
7 elections, anyway.

8 CHAIRMAN BENNETT: But there wouldn't be  
9 enough time from October 1 to the fall elections  
10 to make arrangements for certified voting  
11 equipment.

12 VICE CHAIRMAN LONG: Well, they are talking  
13 about October 1 of this year.

14 COMMISSION MEMBER OVERHOLT: Right.

15 VICE CHAIRMAN LONG: We got to get  
16 recertified. There is no election this year, so  
17 we don't -- unless they have got special  
18 elections.

19 CHAIRMAN BENNETT: There are special  
20 elections.

21 MS. NUSSMEYER: Mr. Chairman, the absentee  
22 voting period would begin 45 days before the  
23 November election, which would be mid-September.

24 And so if you were a county and you had  
25 your absentee ballots prepared and you mailed

1    them out at that 45-day mark and then you  
2    switched equipment, you would be in a situation  
3    where you would have to figure out how to deal  
4    with those absentee ballots that were printed  
5    for use on one system that cannot be scanned and  
6    used on a different system.

7           And so at that point I don't know if those  
8    ballot cards then would become traditional  
9    hand-counted paper ballots that would create a  
10   pretty chaotic experience for the county  
11   election administrators.

12           CHAIRMAN BENNETT: Well, it seems to me  
13   that we ought to be able to set a deadline for  
14   some real demonstrable compliance that gives us  
15   hope that this timetable can be adhered to, that  
16   would still give the counties time to make  
17   alternative arrangements, if necessary.

18           MS. NUSSMEYER: Mr. Chairman, let me ask  
19   one more question. And this actually might be  
20   where I need Mr. Simmons' support here too.

21           The issue before you with the Dominion  
22   system is compliance with SEA-61 and then you  
23   have the separate issue of certification,  
24   because certification requires an application  
25   and a payment to VSTOP in order to ensure their

1 system can be approved by the Commission by  
2 October 1st.

3 And so at this point it is unclear to me if  
4 the SEA-61 compliance and the recertification  
5 would happen on the same track or if we, the  
6 Commission, needs to treat those two issues  
7 separately, because I would imagine if you were  
8 doing SEA-61 compliance and testing and you had  
9 approval for that, for Dominion and GBS to  
10 implement to the counties sometime before  
11 October 1st, and then we would have to go back  
12 where the company would have to apply for  
13 certification, pay that money, and then VSTOP  
14 would have to retest the system to ensure that  
15 it can comply with moving forward after  
16 October 1st.

17 And so I don't really mean to muddle the  
18 point, except to say with the timeline that's  
19 before you, where implementation may occur as  
20 late as September 4th, in Aniketh's experience  
21 or Mr. Simmons' experience, is a month enough  
22 time for the company to come back and reapply  
23 for certification and get through testing or  
24 should we treat those two issues and combine  
25 them together to sort of move forward to ensure

1 that the October 1st deadline is met on all  
2 fronts, not just SEA-61 but also the  
3 certification standards within state law?

4 VICE CHAIRMAN LONG: Good question. That  
5 is a good question.

6 CHAIRMAN BENNETT: Comments.

7 KYLE CONRAD: Mr. Chairman, the only  
8 comment I have is, when you are reviewing that  
9 timeline that was provided by Mr. Piper, as I  
10 understand election law, that part regarding  
11 implementation cannot occur until this  
12 Commission meets and approves us for that  
13 implementation.

14 So some of this timeline is going to hinge  
15 on this Commission's ability or willingness to  
16 meet to give us that approval before we can even  
17 begin that implementation.

18 So that September deadline of  
19 implementation is only going to be effective if  
20 the Commission meets and approves.

21 CHAIRMAN BENNETT: Well, we could set a  
22 meeting now, couldn't we, to --

23 KYLE CONRAD: And, as far as your updates,  
24 I don't believe there is any issue with  
25 Mr. Piper and myself communicating with VSTOP

1 and attending every meeting between now and  
2 October to give you those updates, if that's  
3 what is required.

4 VICE CHAIRMAN LONG: Mr. Chairman, I agree  
5 with your thought, maybe setting a meeting now,  
6 but I think we might want to consider adding  
7 onto this, some built-in reporting dates.

8 CHAIRMAN BENNETT: Yes.

9 COMMISSION MEMBER KLUTZ: I would agree.

10 VICE CHAIRMAN LONG: They have to report  
11 and give us -- I mean, there is no sense of us  
12 setting a meeting and then everybody -- I would  
13 figure some dates out, and, I mean, every week,  
14 every two weeks until what has been accomplished  
15 and where they are and how the timeline is  
16 revised, upward or downward, because I am always  
17 concerned about these clerks and the counties.  
18 This is a nightmare.

19 CHAIRMAN BENNETT: Yeah.

20 VICE CHAIRMAN LONG: And the vendor here, I  
21 don't have much sympathy for Dominion, but the  
22 vendors --

23 KYLE CONRAD: Well, I have had some  
24 sleepless nights, Mr. Long, so I appreciate your  
25 concern.

1 VICE CHAIRMAN LONG: I am sure you have.

2 CHAIRMAN BENNETT: Well, I agree with that.

3 I think that we need to have some firm  
4 deadlines. And if that development isn't done  
5 within 11 weeks, we know that the rest of it is  
6 not going to happen.

7 And I don't know whether we want to cut  
8 that development period in half and get a report  
9 midterm on the development and then at the end  
10 of the development to see where we are. Because  
11 if that doesn't go well, I don't see how this  
12 system gets used.

13 VICE CHAIRMAN LONG: Who gives the report?  
14 Is it Dominion and who verifies it?

15 CHAIRMAN BENNETT: Well, it would be VSTOP,  
16 wouldn't it?

17 KYLE CONRAD: My question would be, who do  
18 you want -- I am prepared to go back to Dominion  
19 and say you, as a Commission, want weekly or  
20 biweekly or monthly updates, status updates. I  
21 just need to know who to tell them that that  
22 needs to go to, whether it is VSTOP or copied to  
23 the co-directors, co-counsel.

24 You tell me what you want and I will carry  
25 that message back.

1 CHAIRMAN BENNETT: Well, let's just figure  
2 out what we're doing. And we would love for you  
3 to help carry that message back.

4 VICE CHAIRMAN LONG: If Dominion is making  
5 a report, then I think they have got to be  
6 verified. And that's VSTOP.

7 I mean, at this point their credibility  
8 seems to be in question. And, I mean,  
9 logistically it would seem that if we set a  
10 meeting in, let's say, mid-August, so that  
11 everybody knows we are going to meet this time,  
12 and then rely on the Division to get with VSTOP  
13 and the vendor here, to set reporting periods as  
14 to what they think would be significant. I  
15 mean, they would -- particularly VSTOP, they --

16 CHAIRMAN BENNETT: I agree, VSTOP should  
17 verify.

18 But if we move the meeting around the time  
19 that the VSTOP/IEC review is listed on this  
20 timetable, which would be the middle of July --

21 VICE CHAIRMAN LONG: And that's fine.  
22 Anytime. Mid-July to mid-August, I am great.

23 I am going to go to Alaska in late  
24 September -- August. And I would like to be  
25 here. I have missed you all.

1 COMMISSION MEMBER OVERHOLT: We have missed  
2 you.

3 CHAIRMAN BENNETT: Yeah. Well, I think  
4 that's the deadline, as far as I would see, is  
5 that we meet in the middle of July with this  
6 timetable and see where we are. But that's not  
7 to say we shouldn't have some verified reports  
8 along the way.

9 Do we have an agreement on what kind of  
10 verifications we want? Do we want to --

11 COMMISSION MEMBER OVERHOLT: I would think  
12 weekly.

13 COMMISSION MEMBER KLUTZ: My suggestion  
14 would be some type of written reports that, at a  
15 minimum, track these milestones. And the longer  
16 milestones, perhaps, divide those up in two or  
17 three reports.

18 I mean, we don't want to find out at the  
19 end of week 11 the development didn't work.

20 VICE CHAIRMAN LONG: Right.

21 COMMISSION MEMBER OVERHOLT: Right. I  
22 mean, I would think that given the magnitude of  
23 the significance of the project, that requiring  
24 weekly reporting, I don't think that's  
25 unreasonable, because, surely, I would think



1 that in the development phase they have got  
2 to -- well, if they are -- I mean, it has got to  
3 have built in kind of weekly milestones they are  
4 trying to reach, anyway. So it would seem to me  
5 requiring reports on a weekly basis would not be  
6 unreasonable.

7 And I would think they should be coming  
8 from -- well, from people who actually -- you  
9 know, so that we know or VSTOP can verify they  
10 are actually coming from people who really know  
11 what's going on and not just a salesperson  
12 saying, oh, yeah, we are doing what we said we  
13 are going to do.

14 VICE CHAIRMAN LONG: Not a vendor  
15 salesperson, a Dominion salesperson.

16 KYLE CONRAD: Stab me in the heart.

17 CHAIRMAN BENNETT: As a practical matter, I  
18 would not want Dominion's time and energy  
19 unnecessarily spent on reporting.

20 I wouldn't want them to say, well, the  
21 reporting requirements you imposed have caused  
22 this timetable to be pushed back. I would think  
23 that maybe a midterm of the development phase  
24 report and a report on May 26th would be  
25 sufficient.

1 I mean, let me ask VSTOP. Is weekly  
2 reports, is that feasible? Is that appropriate  
3 or can we --

4 ANIKETH RAMNAME: Mr. Chairman, even  
5 though, if you are asking for weekly reports, we  
6 have to rely on the reporting that's done by  
7 Dominion.

8 So, as you're saying that, the authenticity  
9 of the report, I mean, eventually you have to  
10 depend on the vendor, whatever they say, the  
11 report to the IED and eventually to the  
12 Commission.

13 So how do you want this reporting to be  
14 done? Just take vendor's word and then just  
15 verify with the lab or how do you want us to  
16 proceed with that?

17 CHAIRMAN BENNETT: Well, can you suggest  
18 any procedures that would verify, to the extent  
19 that VSTOP could tell the Commission, that  
20 you're confident that what is said to be done is  
21 being done or the milestones they're seeking to  
22 achieve have been achieved?

23 Is there any objectivity that you can  
24 provide to the process?

25 ANIKETH RAMNAME: VSTOP can be confident

1 only after Dominion sees that they have come up  
2 with a product enhancement plan and that they  
3 are ready for VSTOP's review. And once VSTOP  
4 reviews it and IED approves it, they are ready  
5 to go to the lab to get tested.

6 At that stage VSTOP can be confident and  
7 report to the Commission that Dominion is moving  
8 in the right direction. Until then, we cannot  
9 comment.

10 CHAIRMAN BENNETT: All right. Well, look  
11 at the timeline on the March 1st email, and tell  
12 me at what point on that timeline VSTOP could  
13 intervene and provides its own objective report  
14 on the progress of the development by Dominion.

15 Would it be at the end of the development  
16 period? Would it be at the end of the system  
17 integration testing period?

18 ANIKETH RAMNAME: That would seem  
19 reasonable.

20 CHAIRMAN BENNETT: So by June the 16th  
21 VSTOP could tell this Commission, based on its  
22 own objective analysis, whether or not these  
23 upgrades, these compliance upgrades to SE- --  
24 based on SEA-61, are occurring in the  
25 appropriate timeline?

1 ANIKETH RAMNAME: Yeah. Mr. Chairman,  
2 there is only one point that I want to make on  
3 behalf of VSTOP, that by that deadline, Dominion  
4 should provide VSTOP with a detailed product  
5 enhancement plan specifying how that product  
6 enhancement will be undertaken.

7 CHAIRMAN BENNETT: Why couldn't they do  
8 that now?

9 ANIKETH RAMNAME: Who?

10 CHAIRMAN BENNETT: Why should we wait until  
11 the testing phase to get the product enhancement  
12 plan?

13 ANIKETH RAMNAME: Because right now they  
14 still don't have a programmer who can code and  
15 make the modification necessary to make it stand  
16 compliant with SEA-61.

17 CHAIRMAN BENNETT: Well, I thought this  
18 programmer has already been working for a week.

19 ANIKETH RAMNAME: As per the email that  
20 VSTOP received, they state that the programmer  
21 will take time to learn and then to make the  
22 necessary changes, which could take about 11  
23 weeks. So we are not sure yet what their  
24 product enhancement plan would look like. And  
25 until and unless VSTOP sees their product

1 enhancement plan, VSTOP cannot comment.

2 VICE CHAIRMAN LONG: The semantics here are  
3 troubling to me. I see the 11 weeks of  
4 development of the program that fixes the  
5 problem.

6 ANIKETH RAMNAME: Uh-huh.

7 VICE CHAIRMAN LONG: I interpret plan is  
8 this is what we plan to do with the program to  
9 fix the problem.

10 It seems to me that at the end of 11 weeks  
11 the program should be written.

12 ANIKETH RAMNAME: Uh-huh.

13 VICE CHAIRMAN LONG: When you use "plan,"  
14 do you mean this is our goal established or that  
15 we've changed the program?

16 ANIKETH RAMNAME: Changed the program, as  
17 to what the program is, how they will change it  
18 and what necessary modifications are being made  
19 to the software.

20 VICE CHAIRMAN LONG: Going to change is  
21 what troubles me.

22 Let's assume they have got -- that you are  
23 interpreting this 11 weeks to come up with a  
24 fix, that they have not written into the program  
25 but this is how we are going to fix it.

1 ANIKETH RAMNAME: Right.

2 VICE CHAIRMAN LONG: Once that's done, how  
3 long does it to take to write the program to do  
4 that?

5 ANIKETH RAMNAME: That's for Dominion.  
6 They can comment.

7 VICE CHAIRMAN LONG: About.

8 ANIKETH RAMNAME: VSTOP could not comment  
9 on that.

10 VICE CHAIRMAN LONG: So that would  
11 be -- there is nothing in here that breaks that  
12 into a plan, how we are going to fix it and  
13 doing the actual work. Is that a total of 11  
14 weeks or is that the plan, 11 weeks?

15 ANIKETH RAMNAME: The 11 weeks is for them  
16 to learn the software and then make the  
17 necessary changes to make the system compliant  
18 with SEA-61.

19 And once that program is done there, we  
20 will test it, internally, and then at the VSTL  
21 lab.

22 COMMISSION MEMBER OVERHOLT: So it sounds  
23 like that 11 weeks includes both components  
24 here.

25 VICE CHAIRMAN LONG: I think that's what

1 he's saying.

2 I can't imagine these people don't have a  
3 programmer.

4 COMMISSION MEMBER KLUTZ: It is old  
5 software, I guess.

6 CHAIRMAN BENNETT: So is there any reason  
7 that after 11 weeks, on May 26th, VSTOP couldn't  
8 make its own objective analysis of the progress  
9 and report to the Commission as to whether the  
10 development phase is complete or not?

11 ANIKETH RAMNAME: VSTOP can report that if  
12 Dominion provides the actual plan.

13 Right now what they have provided is a  
14 timeline, saying that on so-and-so date these  
15 activities will be performed.

16 If by May 26th, after the programming is  
17 done, if they come up with the product  
18 enhancement plan, like Hart InterCivic product  
19 enhancement plan, then VSTOP will be able to  
20 make that determination.

21 CHAIRMAN BENNETT: Okay. When do you think  
22 would be a reasonable time for Dominion to  
23 provide VSTOP with that detailed product  
24 enhancement plan?

25 ANIKETH RAMNAME: I do believe that the end

1 of June 16th, that's when the system integration  
2 testing is done, that will be a right time for  
3 VSTOP to review that product enhancement plan.

4 COMMISSION MEMBER OVERHOLT: So should we  
5 add that to this timeline then?

6 COMMISSION MEMBER KLUTZ: My other comment  
7 is we are talking about reports for purposes of  
8 VSTOP's ability to certify, say, it's accurate.  
9 We could still use reports, even if they are  
10 uncertified, just to keep us to build a record  
11 and keep us informed.

12 And if they're telling us the whole time  
13 everything is on track, everything is on track,  
14 everything is on track, and then we find out  
15 they are not, well, that's going to be a big  
16 issue. But if it is not on track, we will know.  
17 They will tell us, even if they can't be  
18 certified, it would still be nice to have update  
19 status reports from them.

20 VICE CHAIRMAN LONG: I agree. I think that  
21 from where I see, I think we should set a  
22 meeting even earlier than the Chair suggested.  
23 I think we need to set a meeting toward the end  
24 of June and demand that Dominion provide weekly  
25 communications with VSTOP.



1           It doesn't take them that long to write an  
2   email, we are on track, everything is on  
3   schedule, we are pleased. And if they're false,  
4   come June, the 20th, and we have a meeting on  
5   June the 20th, then we start the decertification  
6   process and say you're done.

7           MR. KOCHVAR: Mr. Chairman, if I may,  
8   according to the resolution and using the  
9   precedence that was set by Hart in going through  
10   their plan, you're going to have to meet at the  
11   end of June, anyway, because you're going to  
12   need to approve the testing plan for the VSTL  
13   lab, just as you did for Hart at our last  
14   meeting, on February 10th. So you're going to  
15   have to meet around that time, anyway. And  
16   that's when you are going to get the update.  
17   And VSTOP will comment on Dominion's plan to go  
18   with the national lab.

19          ANIKETH RAMNAME: That's right.

20          CHAIRMAN BENNETT: I think what I am  
21   hearing is a consensus, that there should be  
22   weekly communications from Dominion to VSTOP.  
23   And I would say those would start next Friday,  
24   the first weekly report to VSTOP. And that by  
25   June 16th, 2017, Dominion should have its

1 detailed product enhancement plan to VSTOP. And  
2 VSTOP would then be in a position to report to  
3 this Commission at a meeting sometime shortly  
4 after June 16th. And that would be the  
5 drop-dead date if everything is not on track at  
6 that point in time.

7 VICE CHAIRMAN LONG: How long would it take  
8 you -- once you get it, how long do you need  
9 before you could report to us in a public  
10 meeting?

11 ANIKETH RAMNAME: As soon as the meeting  
12 is -- if we are communicated that there is a  
13 meeting on so-and-so date, it will take us like  
14 about a week or so to review the report.

15 VICE CHAIRMAN LONG: If we set the meeting  
16 on the 23rd, which is seven days after the  
17 deadline and they meet the deadline, you could  
18 be ready to go?

19 ANIKETH RAMNAME: Yeah, I believe we will  
20 be ready to go.

21 VICE CHAIRMAN LONG: Is that timely to the  
22 rest of our agenda that we -- Matt and Dale, for  
23 other things we have to meet in June?

24 MR. KOCHVAR: Yes.

25 CHAIRMAN BENNETT: Okay. Do you have

1     comments?

2           KYLE CONRAD:   Yeah, Mr. Chairman, if I may,  
3     since GBS was the facilitator between Dominion  
4     and Sedona Software Company that's working on  
5     this, because we have an established  
6     relationship with them, and they have done  
7     software work for us on some of our private  
8     products, may I -- and I understand your  
9     hesitance, reluctance to hear from Dominion and  
10    maybe even GBS on the status, may I offer a  
11    possible comfort status update from, directly  
12    from the software company, maybe halfway through  
13    the 11-week period of time, that you hear  
14    directly from Sedona and not from Dominion or  
15    GBS, if that would help?

16          VICE CHAIRMAN LONG:   Anything would be  
17    great.

18          CHAIRMAN BENNETT:   And that could be  
19    provided to VSTOP?

20          KYLE CONRAD:   Sure.

21          VICE CHAIRMAN LONG:   Everything coordinates  
22    through them.

23          KYLE CONRAD:   If that helps.

24          VICE CHAIRMAN LONG:   That would help.   It  
25    would make me more comfortable.

1 KYLE CONRAD: GBS is driving the portion  
2 with Sedona. And some of the status updates you  
3 get from Dominion might be from GBS to Dominion  
4 to you. But I would be willing to offer that  
5 up, or at least make a strong suggestion, that  
6 we, somewhere along in that halfway mark,  
7 provide you with an update from the software  
8 company themselves.

9 CHAIRMAN BENNETT: I am trying to think of  
10 the date that would be. That 11-week period  
11 ends May 26th. So do you want five and a half  
12 weeks before that?

13 KYLE CONRAD: Do you want to just do  
14 May 1st?

15 CHAIRMAN BENNETT: Yeah. May 1st would be  
16 good. All right. Any other comments?

17 (No response.)

18 CHAIRMAN BENNETT: This is what I am  
19 hearing, is that Dominion is going to provide  
20 weekly reports to VSTOP starting March 17th and  
21 every Friday thereafter.

22 On May 1st there will be a report to VSTOP  
23 from -- what was the name of that company?

24 VICE CHAIRMAN LONG: Sedona.

25 KYLE CONRAD: Sedona.

1 CHAIRMAN BENNETT: Sedona?

2 KYLE CONRAD: Yes.

3 CHAIRMAN BENNETT: And then on June 16th,  
4 VSTOP will receive all information from Dominion  
5 that is available to allow VSTOP to prepare a  
6 report to this Commission on June 23rd regarding  
7 VSTOP's independent assessment of Dominion's  
8 progress in this timeline.

9 And the Commission at that June 23rd  
10 meeting will make a determination whether  
11 Dominion's -- let's see, well, whether Dominion  
12 should go forward or whether to pull the plug at  
13 that point in time.

14 VICE CHAIRMAN LONG: Is that a motion?

15 CHAIRMAN BENNETT: Can I make a motion?

16 VICE CHAIRMAN LONG: Yes.

17 CHAIRMAN BENNETT: All right. So moved.

18 VICE CHAIRMAN LONG: I am not the legal  
19 counsel.

20 CHAIRMAN BENNETT: All right.

21 VICE CHAIRMAN LONG: You had that so  
22 succinctly, gosh, I want that in a motion, so we  
23 don't have to repeat it again.

24 CHAIRMAN BENNETT: Okay.

25 VICE CHAIRMAN LONG: So you did a good job.

1 CHAIRMAN BENNETT: All right. So we have a  
2 motion and a second.

3 Any discussion?

4 (No response.)

5 CHAIRMAN BENNETT: All in favor say "Aye."

6 THE COMMISSION: Aye.

7 CHAIRMAN BENNETT: All opposed nay.

8 (No response.)

9 CHAIRMAN BENNETT: The ayes have it.  
10 Motion carried.

11 KYLE CONRAD: One last question, on those  
12 weekly updates, do you want those for this  
13 11-week period?

14 Do you want this to go through the June  
15 meeting? How do you --

16 CHAIRMAN BENNETT: Well, I believe my  
17 motion was that the weekly updates would start  
18 March 17th, next Friday.

19 KYLE CONRAD: Correct.

20 CHAIRMAN BENNETT: And continue every  
21 Friday thereafter until May 1st -- well, I don't  
22 want to repeat the whole thing. Does that  
23 answer your question?

24 KYLE CONRAD: So just up through May 1st?  
25 I got the starting date and I got the weekly

1 part. I just don't know what the --

2 CHAIRMAN BENNETT: Well, I think they  
3 should continue on after May 1st, assuming --

4 VICE CHAIRMAN LONG: I think they should  
5 continue until we meet again.

6 CHAIRMAN BENNETT: Yes.

7 VICE CHAIRMAN LONG: Or they get the whole  
8 thing resolved.

9 KYLE CONRAD: Well, yes.

10 VICE CHAIRMAN LONG: Except for our  
11 approval.

12 KYLE CONRAD: I just want to make sure I  
13 have the right information.

14 CHAIRMAN BENNETT: Yes.

15 KYLE CONRAD: Okay. Thank you.

16 CHAIRMAN BENNETT: All right.

17 MR. KOCHEVAR: Mr. Chairman, if I may, I  
18 would like to actually just return to a comment  
19 that Angie had made, just regarding towards the  
20 end of the process.

21 And I come from this under the assumption  
22 that the plan that's in the March email, the  
23 dates are closely followed and everything goes  
24 smoothly.

25 Once, after you meet the second time, to

1 review the plan from the national lab, then vote  
2 to -- for the implementation, whether it be a  
3 de minimis change, like what you just voted on  
4 for a part previously at this meeting, or if it  
5 is a more substantive change that requires a  
6 change in software, you will have to meet again  
7 at some point after that implementation to vote  
8 on their recertification, assuming Dominion  
9 submits that application, only because under the  
10 law, which is Indiana Code 3-11-7-19, the system  
11 that you recertify has to be reported by VSTOP  
12 as being identical to the system, including all  
13 software upgrades, that are in place before  
14 Dominion makes the application of  
15 recertification, they have to match.

16 And so this entire process, including  
17 implementation and your vote to implement, has  
18 to be done before even recertification can be  
19 considered, in my opinion, on reading that  
20 section of the law.

21 So you will have to essentially, I believe,  
22 schedule two meetings, at least very close  
23 together, sometime in late August, early  
24 September possibly, unless the timeline gets  
25 moved up, Dominion moves faster than what is



1 currently being contemplated.

2 CHAIRMAN BENNETT: Yeah. Well, we are  
3 definitely going to need a meeting close to  
4 July 14th, which is the deadline under the  
5 timetable, for our review of VSTOP's  
6 recommendation of these SEA-61 changes.

7 VICE CHAIRMAN LONG: We'll see where we are  
8 on June the 23rd. And we can call it for the  
9 14th, if we need to be more precise on the date,  
10 and carve out as many wasted days as we can,  
11 move it as early as we possibly can to make it  
12 go faster.

13 MS. NUSSMEYER: If I may ask Aniketh one  
14 more question, just for my edification, so  
15 Dominion, let's assume, goes through the SEA  
16 certification piece and the Commission signs off  
17 on it, and let's assume it is the September 4th  
18 deadline, if Dominion were to come and reapply  
19 with their fee and their application, VSTOP  
20 would have to recheck their system; correct?  
21 And is three weeks enough time for you to do  
22 that recheck and report back to the Commission  
23 to approve that recertification? Do you have  
24 enough time to get that done?

25 ANIKETH RAMNAME: Yeah. To answer your

1 question, Mr. Chairman, if it is an identical  
2 system without any change, then it will only  
3 involve documentation review.

4 MS. NUSSMEYER: Okay.

5 ANIKETH RAMNAME: And an attestation from  
6 vendor saying that the system is exactly the  
7 same and there is no change from a system that  
8 was certified earlier.

9 In that case, all we have to do is just do  
10 a documentation review and submit our  
11 accommodation report, which will eventually be  
12 approved by the Commission.

13 MS. NUSSMEYER: So if we adhere to this  
14 time frame that Dominion has stipulated for  
15 their SEA-61 modifications and the  
16 recertification piece, you're confident that we  
17 could get everything accomplished before  
18 October 1st should everything --

19 ANIKETH RAMNAME: That is correct.  
20 Provided the system is exactly the same and  
21 there are no further modifications to that  
22 particular system.

23 MS. NUSSMEYER: Okay. Thank you. Thank  
24 you.

25 CHAIRMAN BENNETT: Thank you. Anything

1 else?

2 MR. SIMMONS: Mr. Chairman, just to add  
3 another layer of complication, I suppose, I have  
4 been through this before on the certification.  
5 And just to let the Commission know, if we  
6 certify before October 1st, that certification  
7 will expire on October 1st. It doesn't matter  
8 how many days before October 1st.

9 So one of the things -- and there will be  
10 other vendors, I am sure, in line for  
11 certification later in the year.

12 I think the way we have gotten around that  
13 is make the certification effective after  
14 October 1st.

15 VICE CHAIRMAN LONG: Have the actual  
16 meeting after October 1st, make it effective  
17 October 1st, or meet before it and make it  
18 effective October 1st?

19 MR. SIMMONS: Either way.

20 VICE CHAIRMAN LONG: Okay.

21 MR. SIMMONS: Either way.

22 CHAIRMAN BENNETT: Very good. Anything  
23 else?

24 VICE CHAIRMAN LONG: I have got one other  
25 thing. And it hasn't got anything to do with

1 this.

2 I made a motion earlier on Hart, and I  
3 referenced, I just realized it, a resolution,  
4 and I called it 2016-1, I think. Actually, the  
5 one dealing with Hart was 2016-3. And I would  
6 move that any reference I made to 2016-1 in my  
7 motion on Hart be amended to 2016-3, make it  
8 comply with that. I just had it open to the  
9 other one.

10 MR. SIMMONS: All right.

11 VICE CHAIRMAN LONG: And saw the wrong  
12 number on it.

13 CHAIRMAN BENNETT: One other item of  
14 business.

15 VICE CHAIRMAN LONG: I made a motion.

16 CHAIRMAN BENNETT: Oh, a motion.

17 VICE CHAIRMAN LONG: Correct my motion to  
18 make that reference change.

19 CHAIRMAN BENNETT: Is there a second to  
20 that? Thank you.

21 COMMISSION MEMBER OVERHOLT: Second.

22 CHAIRMAN BENNETT: A motion and a second.  
23 All in favor say "Aye."

24 THE COMMISSION: Aye.

25 CHAIRMAN BENNETT: All opposed "Nay."

1 (No response.)

2 CHAIRMAN BENNETT: The ayes have it.

3 VICE CHAIRMAN LONG: I apologize to the  
4 court reporter for that.

5 COMMISSION MEMBER KLUTZ: One item, I would  
6 like to say, so the last meeting I requested a  
7 summary of the decertification process. And in  
8 our materials there is a very detailed and  
9 thorough five- to six-page report to the  
10 Commission Members on the decertification  
11 process.

12 And while it may appear that this will  
13 happen automatically, if there is a problem with  
14 the de minimis compliance, because of the  
15 October 1st deadline, I would still like to  
16 thank you for doing this.

17 As I read through here, the timeline  
18 appears to be such that this may be useful if we  
19 don't see appropriate progress in the time  
20 frame. So thanks again for this report. It is  
21 very helpful.

22 VICE CHAIRMAN LONG: I agree.

23 What I am anticipating is if we come in  
24 here on June the 23rd, the date we have set, and  
25 they're not anywhere near, my motion is probably

1 going to be to start the process then, and so  
2 that the counties can have as much time as they  
3 can to help themselves.

4 CHAIRMAN BENNETT: Okay. With that, the  
5 Indiana Election Commission has finished its  
6 business for today.

7 Is there a motion for the Indiana Election  
8 Commission to adjourn?

9 VICE CHAIRMAN LONG: So moved.

10 CHAIRMAN BENNETT: Those in favor say  
11 "Aye."

12 THE COMMISSION: Aye.

13 CHAIRMAN BENNETT: All opposed nay.

14 (No response.)

15 CHAIRMAN BENNETT: The ayes have it.

16 Meeting adjourned.

17 (Time Noted: 2:41 p.m.)

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1 STATE OF INDIANA )  
2 ) SS:  
3 COUNTY OF HAMILTON )

4

5 I, Diane Zeyen, RPR and a Notary Public and  
6 Stenographic Reporter within and for the County of  
7 Hamilton, State of Indiana at large, do hereby  
8 certify that on the 10th day of March, 2017, I took  
9 down in stenograph notes the foregoing hearing;

10 That the transcript is a full, true and correct  
11 transcript made from my stenograph notes.

12 IN WITNESS WHEREOF, I have hereunto set  
13 my hand and affixed my notarial seal this \_\_\_\_\_  
14 day of March, 2017.


15

16

17

18

19 My Commission Expires:  
20 September 2, 2024  
21 County of Residence:  
22 Hamilton County  
23  
24  
25

   
NOTARY PUBLIC